



C I T Y O F S A V A N N A H
Z O N I N G B O A R D O F A P P E A L S

MPC Arthur Mendonsa Hearing Room
112 State Street, Savannah, GA 10:00 AM
Minutes

January 24, 2013 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Brian Reese, Vice Chairman
William Ronning
Sidney J. Johnson
Eli P. Karatassos

Staff Present: Jack Butler, Secretary
Constance Morgan, Assistant Secretary

Advisory Staff Present: Tom Bolton, Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Mackey called the January 24, 2013 SZBA meeting to order. He informed everyone of the new meeting schedule and welcomed all present.

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

2. [Approval of the December 18, 2012 SZBA Minutes](#)

Attachment: [December18.pdf](#)

Board Action:

Approval of the December 18, 2012 SZBA Meeting Minutes as submitted. - PASS

Vote Results

Motion: Brian Reese	
Second: Sidney J Johnson	
Sidney J Johnson	- Aye
Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

IV. Item(s) Requested to be Removed from the Final Agenda

3. [19 Reid Court, Setback Variance - 002234](#)

Attachment: [19 Reid Ct, 12-002234-ZBA- Do Not Proceed - No Variance Needed.pdf](#)

During review, Development Services Department has determined that a variance is not necessary and has requested not to proceed further o this review.

Board Action:	
Approval of the petitioner's request to removed this item from the Agenda.	- PASS
Vote Results	
Motion: Brian Reese	
Second: Sidney J Johnson	
Sidney J Johnson	- Aye
Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda.

V. Consent Agenda

4. [502 Sherman Avenue, Setback Variance - 002109](#)

Attachment: [Staff Report -002109.pdf](#)

Attachment: [Images-002109.pdf](#)

Present for the petition were: Joseph Barnwell, Petitioner

Jack Butler gave the following summary:

The petitioners, Joseph and Demetria Barnwell, are requesting approval of a 1-foot variance from the 25-foot rear yard setback required and a 2.13% variance from the 30% maximum lot coverage variance required in the ordinance in order to construct an addition

onto an existing residence at 502 Sherman Avenue. Staff is recommending approval of the requested variances.

Board Action:

The proposed addition would require minimal variances from the ordinance, and would be in keeping with the development patterns in the vicinity. Staff recommends **approval** of the requested 2.18 percent lot coverage and 1 foot rear setback variances. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

- Sidney J Johnson - Aye
- Eli Karatassos - Not Present
- Timothy Mackey - Aye
- Brian Reese - Aye
- William Ronning - Aye

5. [1010 Bonaventure Road, Setback Variance -002204](#)

- Attachment: [Images -002204.pdf](#)
- Attachment: [Staff Report -002204.pdf](#)

Marcus Lotson gave the following summary:

The petitioners, Christopher and Barbara Gooby, are requesting approval of a 20.5-foot variance from the 50-foot setback variance required in order to construct an addition onto an existing residence. The subject property located at 1010 Bonaventure Road fronts on Bonaventure Road and Massachusetts Avenue thereby the 50 foot requirement is applied to both streets. The petitioner's intent is to construct an addition onto the property and with that the proposed addition will be behind both adjacent properties. Staff is recommending approval of the petition.

Board Action:

The petitioners seek to add an addition onto their house that will encroach on the required setback by 20.5 feet; however the properties to the east and west of the petitioner's property have buildings that are closer than the proposed encroachment. The proposed addition will meet all other development standards. Staff recommends **approval** of the request 20.5 foot setback variance. - PASS

Vote Results

- Motion: Sidney J Johnson
- Second: William Ronning
- Sidney J Johnson

- Aye

Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

VI. Old Business

6. [610 Martin Luther King Jr Blvd was removed from Old Business and placed under Regular Business](#)

Jack Butler informed the board that Board Member, Mr. Eli Karatassos contacted him by telephone and requested that this item be moved further down the agenda in order that he may be present for discussion and action.

7. [11 West Montgomery Cross Road, Sign Variance -001758](#)

Attachment: [Images.pdf](#)

Attachment: [Staff Report -001758 revised 1-24-2013.pdf](#)

Present for the petition were: Shaun Smith & Terry Robbins

Jack Butler gave the following summary:

Mr. Butler alerted Board Members to the hard copy of the revised staff agenda. He stated that staff was not able to meet with the petitioners prior to the meeting. On the basis of this the staff recommendation has been revised.

The petitioner, Ty Robbins, Agent for GMRI Inc (Darden Restaurants), is requesting approval of a variance from Section 3112 (i) which limits the number of principal use signs on non-residential structures in order to install a fourth fascia sign in addition to a free-standing sign on a restaurant. The case was continued on December 18th, 2012 at the petitioner's request.

The petitioner met with staff this morning and has proposed an alternative three signs of slightly more square footage than at present and with a total of three fascia signs and a Lobster logo. Staff recommends **denial** of the requested variance. However, staff recommends **approval** of an alternative variance that would allow the petitioners a maximum of two fascia signs (a reduction of two signs from the current conditions) and a single Lobster logo, not to exceed 100 square feet in total area (a reduction of 15 square feet from current signage).

The zoning administrator has stated that he is in agreement with the two signs and the reduction of the logo.

Speaking on the petition: Shaun Smith, apologized for the late arrival of meeting with staff to come to a conclusion. He stated that there were no legal permits for this particular site or sign permit on file with the city. The renovations were done in 1992 and there is a rear wall sign that has been removed from this site as well. He explained the alternatives that have been agreed upon with staff and requested that this type of

arrangement and support from staff be granted.

Board Action:

Staff recommends approval of an alternative variance that would allow the petitioners a maximum of two facia signs (a reduction of two signs from the current conditions) and one Lobster logo, not to exceed 100 square feet in total area (a reduction of 15 square feet from current signage). - PASS

Vote Results

Motion: William Ronning

Second: Brian Reese

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Aye

William Ronning

- Aye

VII. Regular Agenda

8. [702 West Oglethorpe Ave.-Parking Variance -002205](#)

Attachment: [Images -002205.pdf](#)

Attachment: [Staff Report -002205 revised 1-24-13.pdf](#)

Jack Butler informed the board that the petitioner was not present for this petition.

Chairman Mackey confirmed the absence of the petitioner and stated that due to the references made to the UZO plan, this petition has to be revised. He added that the UZO is still in the draft stages and no vote has been taken, therefore it should not be referenced in regard to the subject petition. He asked that the petition be postponed to the next scheduled SZBA meeting (February 28, 2013).

Chairman requested that any references made to the UZO be eliminated from the language. He added that the UZO has not passed by the Planning Commission, nor the City Council or County Commission. He stated that he did not want to pre-empt the UZO by agreeing to anything or any petition that would give the notion that it has been approved.

Board Action:

Motion to postpone petition to the next scheduled SZBA meeting; Date certain February 28, 2013. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson	
Sidney J Johnson	- Aye
Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

9. [217 West Liberty Street - Use Approval -002231](#)

Attachment: [Staff Report -002231.pdf](#)

Attachment: [Images -002231.pdf](#)

Present for the petition were: Lori Collins, Agent

Jack Butler gave the following summary:

The petitioner, Lori Collins as agent for Julius Bennett is requesting approval of a use, #67 (grocery, confectionary, bakery, pastry shop and similar neighborhood services) in order to operate a coffee shop and coffee wholesale operation. This may be approved in this location by the Zoning Board of Appeals. 217 W. Liberty Street is a block and a half east of the Liberty Street Parking Garage. The subject property is a conforming commercial lot located at 217 West Liberty Street and has a 8,436 square foot commercial building. The petitioner may operate a coffee roasting business at this location by right but the question is to include the sale of coffee and coffee related items from this location. The Zoning Board of Appeals may authorize this use upon finding that; 1) the proposed use does not adversely affect the general plans. It does not appear to; 2) the Future Land Use Map of the Tricentennial Comprehensive Land Use Plan identifies the proposed location as "Traditional Commercial"; 3) that the proposed use will not be contrary to the purposes of the ordinance; this use would establish a retail and wholesale commercial activity on a major thoroughfare across the street from the Savannah Civic Center; 4) the proposed if operated properly should not adversely affect the health or safety of residents and workers in the city. The proposed use is in keeping with the capacity of the existing structure. There appears to be adequate space both inside and outside of the building to accommodate the proposed use. The proposed is less intensive than uses that have been present at this location in the past (including a plumbing supply business). However the approval of the proposed use should be made contingent on approval by the City's traffic engineering department. The site appears to be adequate to the proposed use. The proposed use would not constitute a nuisance other than to generate the aroma of roasted coffee in the neighborhood. In addition to approval of the site plan by traffic engineering, the proposed use will require extensive modification and restoration of the building. The petitioner should be required to work with Historic Preservation Officer and the City of Savannah Development Services Department to ensure that the structure is both compatible with the Historic District and meets modern building safety requirements. With these provisos, staff is recommending **approval** of the requested use with the condition that the petitioner obtains Traffic Engineering, Historic Preservation and Development Services approval for the business.

Speaking on the petition: Lori Collins, agent stated that she had not heard that there were concerns regarding the traffic. She stated that she did not see where her business

would generate considerable traffic. Being a wholesale business there would essentially be no traffic to her business. The coffee would be delivered by van locally and UPS would collect coffee that they distribute all over America and Internationally as well. She added that the downtown location if granted would allow them access to tourist request.

Jack Butler stated that Traffic Engineering reviews all site plans and will review this in any case because this is a new use that has not been present is this traffic engineering may want restriping; they may want a different type of signage on the site or they may want one way in and one way out. He added that the department may require some minor modification of the current conditions in order to operate this business. In any case the traffic engineer would do this whether staff recommends it or not.

Chairman Mackey assured Ms. Collins that this was just standard protocol.

Robert Austin Vineyard, neighboring property owner stated that his property is next door to the proposed site. He explained the historic background of his property and stated that there were six flats in the building. Five of the flats are occupied part-time with either renters or by he and his wife and the other was purchased by a scad student. He stated that he is glad to see the building being put to a good use but did have concerns regarding the hours of operation.

Ms. Collins explained that she is aware that she is in the Historic District surrounded by residents and she intends to have as few interruptions as possible. She stated that in her submission she has discussed the hours of operations and she suggested the hours between 7am to 7pm Monday thru Saturday and Sunday 9am to 6pm. However this will depend on demand. She added that during the times that there are activities at the Civic Center she would like to remain open but she would like to do this with the facility of the neighborhood.

Vice Chairman Reese stated that he was aware of the wholesale business that Ms. Collins owned on Gregory Street and asked if this new establishment would be the same primarily wholesale /coffee shop.

Ms. Collins responded that it would be.

Vice Chairman Reese then questioned if Ms. Collins if 10:00pm would be the latest that she intended to remain open.

Ms. Collins responded that only when there were activities at the Civic Center did she want to extend her hours.

Mr. Vineyard stated that he had no objections to Ms. Collins opening her establishment at 7:00am but he did have concerns with allowing Ms. Collins an open ended exception to allow her to remain open until 10:00pm especially during events at the Civic Center. His remarks were that there are times when the Civic Center has events 2-3 times a week and there is the occasion where there are week long events. He stated that he would prefer that there be a set time for opening and closing.

Chairman Mackey confirmed that the board will set the hours of operations. He thanked Mr. Vineyard for his attendance at the meeting and stated that his request was a

reasonable one. As part of the record the hours of operations should be covered. There should also be something reasonable to accommodate Ms. Collins. The City does not want to turn away new businesses. We would like for her to thrive and to thrive reasonably. He suggested to Mr. Vineyard the hours from 7:00am - 9:00pm.

Mr. Vineyard stated that he was in agreement the hours outlined.

Board Action:

Approval of the staff recommendation with the limits on the hours of operations from 7:00am to 9:00pm. - PASS

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Timothy Mackey

- Aye

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Brian Reese

- Aye

William Ronning

- Aye

10. [318 East Broughton Street - Height Variance -002235](#)

Attachment: [Staff Report-002235.pdf](#)

Attachment: [Images -002235.pdf](#)

Present for the petition was: Trey Skinner

Jack Butler gave the following summary:

The petitioners, Trey and Deanne Skinner, as agents for Myron Kaminsky, are requesting approval of an 11-inch height variance from the maximum 11 feet permitted in the Historic District in order to construct a trellis-canopy over an existing driveway. The subject property is a 17,618 square foot conforming lot located at 318 East Broughton Street and comprising two adjoining commercial structures of approximately 2800 and 8500 square feet, respectively. The property is zoned BC-1 (Central Business). The impacted property is a former garage. The petitioner is proposing to add a trellis on the front of the building that will provide a covered outdoor eating area. The owning trellis has received a Certificate of Appropriateness from the Historic Board of Review. The approved design for the awning and trellis is 11-feet, 11-inches above ground level. The

maximum height of such structures in the district is 11 feet. The Historic District Board of Review recommends approval of the appropriate variance. Though there are no extraordinary conditions, the proposed awning would match the height of the former service bay doors on the front of the building at 11-feet 11-inches. These conditions are not peculiar to this piece of property but relief if granted would not cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance. While not a contributing structure to the Savannah Landmark Historic District, the subject structure was built in 1947 and could be eligible for historic designation. The requested height variance will preserve the existing door openings of the original building while allowing the installation of a canopy that is deemed necessary for the proposed outdoor restaurant seating. Staff therefore recommends **approval** of the requested 11-inch height variance.

Speaking on the petition: Trey Skinner, agent stated that he has a very ambitious business plan for putting a restaurant on Broughton Street. He added that he would only request from the board that he be allowed a variance of 11 inches over the 11-foot maximum allowed in the Historic District. He asked that board approve the request as submitted. He continued with informing board members on the business's location, hours of operation, and the menu. He stated that the larger tables have built-in grills to make pancakes and breakfast potatoes.

Board Action:

While not a contributing structure to the Savannah Landmark Historic District, the subject structure was built in 1947 and could be eligible for historic designation. The requested height variance will preserve the existing door openings of the original building - **PASS** while allowing the installation of a canopy that is deemed necessary for the proposed outdoor restaurant seating. Staff recommends **approval** of the requested 11-inch height variance.

Vote Results

Motion: Brian Reese

Second: William Ronning

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Aye

William Ronning

- Aye

11. [610 Martin Luther King Jr. Blvd, Appeal of HRB Decision, 001765](#)

Attachment: [Images-001765.pdf](#)

Attachment: [COA - 610 MLK Jr Blvd - H-4458-2 Denied11-14-12.pdf](#)

Attachment: [Staff Report -001765 Revised 1-23-13.pdf](#)

Present for the petition was: Attorney Phillip McCorkle, Agent

Jack Butler gave the following summary:

This petition was continued on December 18, 2012 at the petitioner's request. The petitioner Phillip McCorkle, agent for Savannah FDS, LLC, is requesting approval of an appeal of a decision of the Savannah Historic District Board of Review (HRB) that a screening wall, built in violation of an earlier HRB decision be demolished and rebuilt in the approved location; a variance of a window standard that was enforced by HRB also at the same time. In September 2011 the petitioner's client presented a plan for the Historic District Board of Review for a proposed Family Dollar store at this location. Those plans were approved by the HRB with the conditions that included revising the site plan and moving the proposed wall to the zero lot line, and revising the proposed style of windows on the upper floor of the building to be wood, wood-clad or metal double-hung or casement windows that would meet the design standard of the Historic District ordinance.

Subsequent to receiving the conditional approval from the HRB, the petitioner's client applied for a building permit using the original plans and original design of the building (without revisions to relocate the wall or revise the windows) and through oversight, a building permit was issued by Development Services without the approval of the Historic Preservation Officer. In July of 2012, the Building Inspector asked the Historic Preservation staff to review the work on-site and the failure to meet the conditions of the HRB was discovered; the wall was installed set back eight feet from the property line to align with the front of the store, rather than the adjacent buildings, as required by the HRB and the windows installed were not wood, wood-clad or metal double hung or casement windows, but were instead metal single-hung windows that mimic the appearance of the double hung windows. On November 14, 2012, the HRB heard a request from the petitioner's client to amend the 2011 approval to match the as-built conditions on site. The request was denied. The petitioner alleges abuse of discretion in this decision. The staff recommendation is that basically there are two issues before the Zoning Board of Appeals. The first is whether or not the HRB abused their discretion in November of 2012 by refusing to relocate the wall from the ordinance required at the zero lot line and; 2) to whether or not to approve a variance from the standard that all windows facing a street in the Historic District must be double hung, triple hung, awning, casement or Palladian windows. The options for the ZBA in issue one (1) are to approve the appeal and remand the wall case to the HRB for re-consideration, or to deny the appeal. Approval of the appeal does not "reverse" the HRB decision. The petitioner stipulates that the HRB's conditions of approval from September 2011 were not met. The September 2011 decision was a clear direction to the petitioner's client to relocate the wall. The November 2012 actions by the HRB upheld that earlier decision, which had been tacitly agreed to by the petitioner's client at the time. The November 2012 decision regarding the wall was consistent with the earlier decision and shows no abuse of discretion, therefore staff recommends denial of issue one (1) the requested appeal on the grounds of abuse of discretion regarding the wall. The City Attorney has determined that the materials from which windows are constructed in the Historic District is a variable standard. The options for the ZBA in issue two (2) are to approve or deny the use of single-hung windows which mimic the appearance of double-hung or casement windows. From the standards of the Savannah Historic District Ordinance (Section 8-3030 of the Savannah Zoning Ordinance) are intended to maintain the historic character of the district by requiring the use of appropriate materials and products throughout the district. Permitting the use of a style of windows which only apes the required style from a distance is to dilute this intended function of the ordinance. In the same manner as a photocopy of a work of art, no matter the resolution or realism of the duplication, is not art in itself, single-hung windows which mimic the historic double-hung windows are not historic and are not supported by the

Ordinance therefore, staff recommends denial of Issue two (2) the requested variance of the window standard requiring wood, wood-clad or metal double-hung or casement windows.

Speaking on the petition: Attorney Phillip McCorkle, agent for the petitioner stated that the petitioner has over 62 Family Dollar Stores in this country, but they have never built a store in the Historic District or one that has required a second floor. This is by far one of the best stores that they have ever built. There was no intention to circumvent what the COA requested. They were only caught unaware. The petitioners however did use the best windows that were available to them and more economically priced. He went on to show the difference in the windows from the store across the street. These windows are functional and appear to the lay person to be the same type of windows that the HRB requested. There are special conditions because the windows were not readily available. Mr. Gordon Denning's department made a request that the building be pushed back eight feet so as not to destroy the trees. The petitioner agreed to push the building back as not be on the zero lot line and place the wall in front. The department wanted to place the wall eight feet in front of the building. In reality this was a violation of the design standard. In order to place a wall eight feet in front of a building the petitioner would have to come before the Zoning Board of Appeals to request an approval because this is a variance from the design standards. The petitioner did not make such a request. The Historic Review Board on its own violated its design standard by having the wall moved eight feet in front. Unfortunately, the contractor built to the specification shown and with the inspection of the construction not only was it pointed out that the windows did not meet the standards but the wall should have been further up. As a part to the amended application that was filed last year we request that the wall remains as is and after nonconsideration to the amendment to the COA it is a clear abuse of discretion initially to violate their own design standard without the petitioner asking for a variance. If the wall was to be removed it should have been presented to the ZBA for approval. They did not do this. The wall is still exactly where it is suppose to be in continuity with the building. He asked that the board approve the appeal by saying that the HRB abused its discretion on the wall and to approve the variance on the windows to allow them to remain.

Board Member Mr. Karatossos stated that cost is not a consideration in the variance criteria.

Board Member Mr. William Ronning stated that he felt as though Mr. McCorkle's client made a decision based on the allotted time to complete the project. He agreed that he could not visually tell the difference in the windows but that the rules are the same for everyone. However, Mr. McCorkle's client decided not to comply to the rules. He felt that the would put in the substandard windows and come before this board to ask for forgiveness.

Attorney McCorkle stated that Mr. Karatossos arrived after the staff presentation and after his presentation had began, this is a quasi judicial body as you well know and it is inappropriate for him to vote as he has not heard all of the information provided. He asked that Mr. Karatossos not be allowed to vote on this petition.

Chairman Mackey asked that both Board Members Sidney J. Johnson and Eli Karatossos abstain from voting on this issue. Due to Mr. Johnson's serving on the Historic Board of Review; he has previously heard information on this petition. He asked that Mr.

Karatossos abstain due to private conversations that he admitted having with staff that this board was not privy to and; the fact that he was not present at the beginning of the hearing when information was initially given on the petition.

Board Action:

A motion to approve the variance on the type of windows used in the construction of the family dollar store @ 610 MLK Boulevard. - PASS

Vote Results

Motion: Brian Reese
Second: William Ronning
Sidney J Johnson - Abstain
Eli Karatassos - Abstain
Timothy Mackey - Aye
Brian Reese - Aye
William Ronning - Nay

Board Action:

The Historic Review Board committed an abuse of discretion in declining to amend the error by approving the existing position of the screening wall in alignment with the building front on Martin Luther King Jr. Boulevard. - PASS

Vote Results

Motion: William Ronning
Second: Brian Reese
Sidney J Johnson - Abstain
Eli Karatassos - Abstain
Timothy Mackey - Aye
Brian Reese - Aye
William Ronning - Aye

VIII. Other Business

12. [Discuss E-Agenda](#)

Mr. Butler informed the board of the extra time and financial burden of mailing out hard copies of the packages versus sending the packets electronically. He asked board members if there were no objections at this point forward packets will be sent electronically.

Chairman Mackey stated that he would like to continue receiving his hard copy by regular mail but in an effort to save postage he would come by the office to retrieve his packet.

Mr. Butler also referred board members to their handouts, an attendance spreadsheet, that gave information on the attendance of each board member for the previous year. He asked that the board remain mindful of the new meeting dates and time and encouraged each member to attend. He also thanked each member for his past service and stated that staff looks forward to their continued service this year.

IX. Adjournment

13. [Adjournment of the January 24, 2013 SZBA Meeting](#)

There being no further business to come before the board, Chairman Mackey declared the January 24, 2013 SZBA Meeting adjourned.

Respectfully submitted,

Jack Butler, Secretary

/cm

Note: Minutes are not official until signed.

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.